

Message Text

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FM AMEMBASSY BUDAPEST

TO AMEMBASSY BERLIN

INFO SECSTATE WASHDC 7204

AMEMBASSY BONN

AMEMBASSY BUCHAREST

AMEMBASSY MOSCOW

AMEMBASSY PRAGUE

AMEMBASSY SOFIA

AMEMBASSY WARSAW

USMISSION USBERLIN

C O N F I D E N T I A L SECTION 1 OF 2 BUDAPEST 3616

DEPT. FOR EUR/CE, EUR/EE, SCA AND VO

E.O. 11652: GDS

TAGS: PFOR, CSCE, CGEN, CVIS, GE, HU, US (RICHTER, EVA) (DEEB, GEORG
E

SUBJ: HANDLING OF HUNGARIAN DIVIDED FAMILY CASES

REF: BERLIN 6903, STATE 128017

1. THE FOLLOWING COMPREHENSIVE REPLY TO BERLIN'S REFTEL
ILLUSTRATES CURRENT USG-GOH DIVIDED FAMILY NEGOTIATING PRAC-
TICES, BACKGROUND, AND RESULTS. THIS INFORMATION IS PROVIDED
FOR EMBASSY BERLIN'S AND INFO ADDRESSEES' BACKGROUND ONLY AND
SHOULD NOT BE DISCUSSED WITH HOST GOVERNMENTS, LEST OTHER EE
STATES (E.G. DDR), LESS SYMPATHETIC TO FAMILY REUNIFICATION
THAN HUNGARY, EXPRESS DISPLEASURE TO GOH ABOUT HUNGARY'S
RELATIVELY LIBERAL PRACTICES.

2. SEVERAL MONTHS AGO DURING U.S.-GOH CONSULAR LEVEL
DIVIDED-FAMILY DISCUSSIONS BUDAPEST MFA REPEATEDLY,
ALBEIT LOW KEY MADE POINT THAT UNDER INTERNATIONAL LAW
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U.S. DIVIDED-FAMILY SPONSORS, WHO ARE NOT U.S. CITIZENS, ARE NOT LEGALLY ENTITLED TO U.S. DIPLOMATIC OR CONSULAR INTERVENTION IN THEIR BEHALF. EMBASSY JUDGES THAT REASON GOH RAISED THIS POINT WITH USG REPRESENTATIVES WAS TO UNDERSCORE GOH GOODWILL IN RESOLVING SOME DIVIDED-FAMILY CASES BROUGHT TO ITS ATTENTION ON USG INITIATIVE, EVEN THOUGH QTE LEGALLY UNQTE GOH WAS UNDER NO OBLIGATION TO DO SO. STATE 128017 CONSTITUTES DEPARTMENT'S CONFIRMATION OF THE LEGAL POINT WEIPE.#

IN ITS DIVIDED-FAMILY REPRESENTATIONS BOTH BEFORE AND AFTER ABOVE DISCUSSIONS, EMBASSY HAS CONSISTENTLY STRESSED HUMANITARIAN, AND TO LESSER EXTENT, U.S.

DOMESTIC-ARENA POLITICAL ASPECTS OF DIVIDED-FAMILY CASES. IN FACT, MFA LISTENS COURTEOUSLY TO OUR REPRESENTATIONS OF WHETHER U.S. DIVIDE-FAMILY PARTIES ARE

USCS OR NOT. MFA DOES CAREFULLY REMIND US THAT EMIGRATION QUESTIONS INVOLVE EXCLUSIVELY HUNGARIAN LAW APPLIED TO HUNGARIAN CITIZENS IN HUNGARY. HOWEVER, WITH ITS EYE COCKED ON LARGER PICTURE OF FAVORABLY-EVOLVING U.S.-HUNGARIAN RELATIONS (INCLUDING HOPED FOR RETURN OF ST. STEPHEN CROWN), MFA IS DISPOSED TO TRY TO BE HELPFUL IN DIVIDED FAMILY CASES.

4. RESISTANCE TO FAMILY REUNIFICATION, WHEN ENCOUNTERED, APPEARS TO LIE ELSEWHERE INIOH THAN WITH MFA. IN PARTICULAR, PASSPORT-ISSUING AUTHORITIES (INTERIOR MINISTRY) ARE PRONE TO TAKE STRICTLY LEGAL POSITION NOT SO MUCH ON SPONSOR'S U.S. CITIZENSHIP, BUT ON BASIS HUNGARIAN LAW WHICH PRECLUDES PASSPORT ISSUANCE TO PERSONS WHOSE CLOSE RELATIVES HAVE GONE ABROAD ILLEGALLY OR REMAINED ABROAD ILLEGALLY. GOH'S STANDARD LINE IN SUCH CASES IS THAT IT IS NOT RESPONSIBLE FOR ENUSING FAMILY SEPARATION; FAMILY ITSELF IS. IN SOME CASES, OTHER COMPLI-CATIONS ARISE. CHILDREN'S EMIGRATION MUST BE APPROVED BY A TYPE OF CHILDREN'S COURT, A "GUARDIANSHIP AUTHORITY." THIS ORGAN OCCASSION-ALLY DENIES CHILDREN PERMISSION TO APPLY FOR PASSPORTS TO JOIN PARENTS WHO ARE ABROAD ILLEGALLY ON ARGUMENT THAT PARENTS HAVE DISPLAYED IRRESPONSIBILITY BY WILFULLY DIVIDING THEMSELVES FROM CHILDREN. CONFIDENTIAL

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ANOTHER PROBLEM CATEGORY IS CASES OF MILITARY-AGE HUNGARIAN MEN WHO MARRY AMERICAN WOMEN IN HUNGARY, AND ARE THEN BLOCKED FROM EMIGRATING BY INABILITY TO OBTAIN REQUISITE DEFENSE MZISTGN# PERMISSION TO DEPART.

5. ABOVE NOTWITHSTANDING, GOH PERFORMANCE IN CASES ABOUT WHICH EMBASSY HAS EXPRESSED INTEREST HAS BEEN FAIRLY GOOD. OF SIXTEEN CASES WHICH EMBASSY HAS ACTUALLY PRESENTED TO GOH

SINCE SEPTEMBER 1975, GOH HAS GRANTED EXIT PERMISSION TO SIX (38 PER CENT). EMBASSY HAS DROPPED THREE OTHER CASES IN WHICH APPLICANTS DID NOT DISPLAY INTEREST IN EMIGRATING. SEVEN CASES (INVOLVING THIRTEEN INDIVIDUALS) IN HUNGARY RE-

MAIN OUTSTANDING.

6. EMBASSY IS ASSISTED IN ITS DIVIDED-FAMILY EFFORTS BY (A) LOW NUMBER OF CASES REFLECTING HUNGARY'S RELATIVELY-LIBERAL ATTITUDE TOWARD UNIFICATION OF NUCLEAR FAMILIES; (B) LIBERAL GOH POLICY ON PERMITTING VISITING AMERICANS TO MARRY IN HUNGARY AND SUBSEQUENTLY TO ALLOW THE NEW WIVES (BUT NOT NECESSARILY NEW HUSBANDS) TO EMIGRATE -- ALSO LIBERAL POLICY ON PERMITTING FEMALE FIANCEES OF USCS TO EMIGRATE; AND (C) LACK OF GOH REPRISALS OR PRESSURES ON PERSONS DESIRING TO EMIGRATE. LOW NUMBER OF CASES ENABLES CONSULAR SECTION TO INVESTIGATE AND DEVELOP EACH PROBLEM CASE IN FULL DETAIL BY CORRESPONDENCE WITH U.S. SPONSORS AND INTERVIEWS WITH PARTIES IN HUNGARY, PURPOSE BEING TO PRESENT TO MFA HUMANITARIAN PARTICULARS OF EACH CASE IN CONVINCING DETAIL.

FACT THAT PROSPECTIVE EMIGRANTS CAN CORRESPOND WITH OR COME TO EMBASSY TO DISCUSS THEIR CASES WITHOUT FEAR OF REPRISALS IS A SIGNIFICANT FACILITATION TO CASE DEVELOPMENT.

NOTE BY OC/T: #AS RECEIVED.

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FM AMEMBASSY BUDAPEST

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AMEMBASSY BONN

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7. MFA HAS ITSELF, WE BELIEVE HONESTLY, STRESSED TO EMBASSY NECESSITY OF AVOIDING OBVIOUS POLITICIZATION OF DIVIDED FAMILY CASES LEST RELEVANT PASSPORT AND OTHER AUTHORITIES WITHIN GOH GET THSAR DKCKS UHJNM ARTBUANWHIE HHAS CONSEQUENTLY EVOLVED FOR PRESENTATION OF CASES IS FREQUENT PERSONAL REPRESENTATIONS (ABOUT MONTHLY) BY CONSULAR SECTION CHIEF AT MFA CONSULAR DEPARTMENT, ACCOMPANIED BY HIS HANDING OVER INFORMAL, PLAIN-PAPER "REPRESENTATIONAL LISTS" AT ABOUT 4 - 5 MONTH INTERVALS. THESE TALKS CONSTITUTE PERSISTENT, LOW-KEY REMINDERS TO GOH OF U.S. INTEREST IN PARTICULAR CASES. BOTH GOVERNMENTS LABEL THESE DISCUSSIONS AS NON POLITICAL AND CONSULAR, BUT WE STRESS SALIENT U.S. PUBLIC, CONGRESSIONAL, AND HIGH-LEVEL EXECUTIVE BRANCH INTEREST IN HUMANITARIAN FAMILY REUNIFICATION. THE CONSULAR-LEVEL DETAILED CASE-BY-CASE REPRESENTATIONS ARE BACKED UP IN A MORE GENERAL WAY BY OTHER EMBOFFS, ESPECIALLY THE AMBASSADOR OR CHARGE AND POLOFF, WHO REPEATEDLY REMIND RELEVANT GOH OFFICIALS WITH WHOM THEY COME IN CONTACT OF CONTINUING KEEN USG INTEREST IN DIVIDED FAMILIES. ALL CONFIDENTIAL

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CERNED ARE CAREFUL TO EXPRESS OFFICIAL USG APPRECIATION TO GOH ON SPECIFIC DIVIDED FAMILY CASES WHICH DO GET RESOLVED. DEPARTMENT BACKING OUR EFFORTS (INCLUDING THANK-YOUS) QUIETLY WITH HUNGEMB WASHINGTON. DEPARTMENT (EUR/EE) ALSO MAINTAINS LIASON WITH CONGRESSMEN INTERESTED IN PARTICULAR CASES, AND ADVISES THEM ON MAKING THEIR OWN APPROACHES TO HUNGEMB.

8. USG-GOH DIVIDED FAMILY SCENARIO HAS MATURED INTO SOME TACIT AGREEMENTS ON BOTH SIDES. U.S. HAS AGREED TO BRING UP ONLY CASES INVOLVING GENUINE HUMANITARIAN CONSIDERATIONS AND SERIOUS EMIGRATION INTENT. EMBASSY DOES NOT PRESENT A CASE TO MFA UNLESS (A) APPLICANTS HAVE ALREADY CARRIED AT LEAST ONE EXIT APPLICATION THROUGH APPEAL IN VAIN; (B) INTEND TO INITIATE OR HAVE INITIATED REPEAT APPLICATION(S) OR APPEAL(S); AND (C) EMBASSY HAS CONCLUDED ON BASIS CONTACTS WITH APPLICANTS AND SPONSORS THAT HUMANITARIAN ASPECTS OF CASE MERIT ITS PRESENTATION TO GOH. IN OTHER WORDS WE DO NOT RUN TO GOH SIMPLY OR SOLELY BECAUSE U.S. SPONSOR OR OTHER PARTY BELIEVES WE SHOULD; WE VIEW EACH INDIVIDUAL CASE THOROUGHLY.

9. U.S. HAS ALSO AGREED NOT TO PUBLICIZE

OR GIVE FANFARE TO CASES WHICH GOH RESOLVES FAVORABLY (SOMETIMES BENDING ITS OWN LAWS TO DO SO). HUNGARY (MFA) HAS AGREED TO LISTEN CAREFULLY TO U.S. DIVIDED FAMILY CONCERS IN A CONSTRUCTIVE, COURTEOUS, AND NONLEGALISTIC MANNER. MFA HAS ALSO VOLUNTEERED SUGGESTION THAT U.S. SPONSORS APPROACH HUNGEMB WASHINGTON OR CG IN NEW YORK TO REQUEST FAVORABLE GTU CONSIDERATION OF THEIR FAMILIES' CASES IN HUMANITARIAN TERMS, AND HAS INSTRUCTED BOTH POSTS TO BE RECEPTIVE TO SUCH APPROACHES. MFA HAS EXPLAINED THAT WHEN IT RECEIVES A REPORT OR INQUIRY ON A CASE FROM GOH'S OWN EMBASSY OR CG, IT CAN MORE EFFECTIVELY REQUEST INFORMATION FROM COMPETENT AUTHORITIES IN HUNGARY THAN IT CAN ON BASIS OF INQUIRIES BY A FOREIGN POWER. EMBASSY NOW RECOMMENDS TO DIVIDED FAMILY SPONSORS IN U.S. THAT THEY APPROACH HUNGEMB OR CG IN THEIR WON INTEREST, IN ADDITION TO COMMUNICATING WITH EMBASSY.

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10. UNDOUBTEDLY, FIVIDED FAMILY NEGOTIATIONS WITH HUNGARY ARE DELICATE AND IN GIVEN CASES CAN BE VERY PROTRACTED. BUT WE CAN AND DO MAINTAIN A BILATERAL DIALOGUE ON DIVIDED FAMILIES. EMBASSY BELIEVES RECENT USG-GOH RECORD OF RESOLVING PROBLEM CASES IS ONE OF MODEST SUCCESS.
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